Howard Griswold Conference Call—Thursday, June 13, 2013 Partial

Howard Griswold Conference calls:
conf call (talkshoe) 724-444-7444 95099# 1#
(non-talkshoe members must use the 1# after the pin number)
Thursday's at 8 p.m., Eastern Time.
Talkshoe mutes the phone lines
Conference Call is simulcast on:
www.TheREALPublicRadio.Net
Starting in the first hour at 8 p.m.

Howard's link for Thursday: http://www.talkshoe.com/talkshoe/web/talkCast.jsp? masterId=95099&episodeId=665319&cmd=hrepi

Hosted by: Gemini Research Group Phone Number: (724) 444-7444

Call ID: 95099

Howard is the Guest Featured Speaker on Saturday at 6 p.m., Eastern Time at:

http://www.talkshoe.com/talkshoe/web/talkCast.jsp?

masterId=99043&cmd=tc Hosted by: :Mighty-Mo;

Phone Number: (724) 444-7444

Call ID: 99043

Rod Class' AIB call on Talkshoe, the pin number is 48361 at nine o'clock PM, Tues & Fri (Eastern Time). That's America's Independent Bureau, AIB on Talkshoe.

American Reconstruction Project.

The talkshoe phone number: 724-444-7444 The pin number: 126101 #

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10:00 pm Eastern Time, 9 central, 8 mountain and 7 pm Pacific Time. Amber and Colin will be running the call.

Howard is listed on Angela's at: http://www.myprivateaudio.com/Guest-Speaker-Pages-Info.html

http://www.myprivateaudio.com/Talkshoes.html

Howard Griswold talks about contracts and the application of the law on the KMA Club.

http://geminiinvestmentsresearchgroup.wordpress.com/forms

Note: there is a hydrate water call 8 pm, Eastern Monday's, 218-844-3388 966771#
Howard's home number: 302-875-2653 (between 9:30, a.m, and 7:00, p.m.)

Check out: <u>www.escapeharrassment.com</u> <u>www.escape-tickets-IRS-court.org</u>

All correspondence to:

Gemini Investment Research Group, POB 398, Delmar, Del. 19940 (do not address mail to 'Howard Griswold' since Howard has not taken up residence in that mailbox and since he's on good terms with his wife he isn't likely to in the foreseeable future.)

Donations are accepted.

"All" Howard's and GEMINI RESEARCH's information through the years, has

been gathered, combined and collated into 3 "Home-Study Courses" and

"Information packages" listed at www.peoples-rights.com "Mail Order" DONATIONS and/or Toll-Free 1-877-544-4718 (24 Hours F.A.Q. line) Dave DiReamer can be reached at: notaxman@dmv.com

Peoples-rights has a new book available from The Informer:

Just Who Really Owns the United States, the International Monetary

Fund, Federal Reserve, World Bank, Your House, Your Car,

Everything—the Myth and the Reality.

He'll take \$45 for the book to help with ads, but \$40 would be ok which includes shipping

(\$35 barebones minimum)

<u>www.peoples-rights.com</u> c/o 1624 Savannah Road, Lewes, Delaware 19958

'I am not a public servant {officer or employee} and any claim to the contrary must be proved by payroll records and my alleged public servant {officer} title and sworn under penalty of perjury with full commercial liability for the person who swears to it.'

I'm not an officer or agent or employee of the government. I am not resident within the government and any claim to the contrary must be proved by payroll records. Prove that I'm being paid by the government to be a government employee. If you can't then your law doesn't apply to me.

Government has all the right in the world to make laws and rules regulating <u>itself</u>.

When they impose any of these rules and regulations beyond government upon any of us {private} they're breaching their fiduciary duty {as public officers and trustees of government}. All employees of government are in a trustee position. The courts have said this emphatically

Public means government—private means non-government.

Your acceptance of anything that government offers you at any level in any way, shape or form is a consent to cooperate with them and to put yourself under their authority and control.

Governments have all the authority, rights and duties to make all the laws necessary to regulate themselves. Their law, rules, regulations, codes and so-called statutes do not apply to the people outside of government.

The scam that has been used is this lawyer reference to resident. You are a resident of the State of Blank. They will always say that. They will go so far as to put it in writing in the complaints or motions to the courts that the defendants, the plaintiff or any other party is a resident of the State of Blank. In order to get the individual under the jurisdiction of the court—they use this language—this is a presumption that is created

which must be rebutted with rebuttable evidence to prevent them from proceeding against you. Now, this is going to really upset lawyers and judges because if you learn how to do this, and it's not hard, but if you learn how to do this and you take an affidavit into court with a motion to dismiss under Rule 12(b)(6), they fail to state a claim upon which relief can be granted, that's Rule 12(b)(6) because the complaint is made against a person who is not a resident of the State. Accompany that with an affidavit signed and sworn to under penalty of perjury and witnessed by a notary public that states the same thing, 'I am not a resident of the State of Blank because I do not work for the State of Blank. I am not employed in any way. shape or form. I am not an officer of the State of Blank. The presumption that I am is erroneous and must be corrected on the record.' Simple enough, isn't it? Motion to dismiss this claim under Rule 12(b)(6) because the claim fails to state a claim upon which relief can be granted against a person who is not a resident of the State of Blank. End of motion. Between the two, the motion and the affidavit, the court must rule and it must rule that you are not the person that the complaint can be lodged against. The case must be dismissed. When they don't then you want to start looking up this Code of Judicial Ethics. They're not following the law.

The state can regulate itself means that it applies to the state. It does not apply to the people. They're not a party to the State. Then we have this presumption under *International Shoe Company v. State of Washington*, the court gains its jurisdiction by presumption that we are assuming the benefits and privileges of dealing with the State or resident of the State (part of government) and that's the one that they use. You have a right to join the government. The trick is that you as a government official, now that you've joined it, do not have any right to impose your rules and regulations upon me and the rest of society out here that is not party to government. But the lawyers have created this presumption under *International Shoe* decision of the court that we are all resident within the government meaning that we're an agent of the government.

We're a party to it, we're an officer or agent of the government and we all come under the laws because of this presumption. That is created by the registration of our name in some manner through any type of registration (birth certificate, land deed, etc.) Now the presumption is that you're a resident because you're doing business within State corporations and because that presumption now exists if it is unrebutted by you it remains a fact before the courts and that's part of their corrupted damn commercial laws. In the Uniform Commercial Code under the definitions section look up the definition of presumption and it says that a presumption before the court remains a fact until it is rebutted by rebuttable evidence.

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There is no government left. The government has ceased to function in its normal position that it was in under the Constitution. Everything has been farmed out to privately owned corporations to do the government work. So Social Security is actually a private insurance company. It's not government. It's doing it for government but it's there for anybody to do business with it. So, in reality social security is not a benefit or a privilege from government but they'll try to tell you it is. All you got to do is do a little bit of leg work to

find where it's listed as a business on Dunn and Bradstreet and present it to them that, look, this is a private company. It's in business to make money. This is not government.

If you look at most statutes that's what they say and 'all person's only applies to all persons in the agency that they give it to unless it specifically says, 'all persons who have a license to sell alcohol or all persons who operate a motor vehicle or all persons who have a license to sell tobacco products. It has to be specific. It can't just say 'all persons' and when it does it hasn't been properly assigned to the agency for implementation. So what the agencies do is they sue in their own name. For instance, the IRS makes a complaint against you under United States v. You or The United States of America v. You, IRS. Department of the Treasury complaining that you didn't pay taxes. Well, what they are doing is acting as an assignee of an authority to collect taxes but where in the statutes were they assigned this authority to take you to court, to bring claims against you? It's not there. **********

Every action shall be prosecuted in the name of the real party in interest.

The rule requires you to object—an objection for ratification of commencement of the action by or joinder or substitution of the real party in interest and such ratification, joinder or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest. See the trickery of this kind of stuff that lawyers put together? As long as you don't object we can do this with assignment and get away with it and they're doing it and they're getting away with it because we don't know enough to object.

It is a dishonest act of enforcing a law upon a private individual that government has no right, no power, no authority

whatsoever to enforce upon the private individual. That is breach of their fiduciary duty with no stupid questions asked. When you file a breach of fiduciary duty case you are actually filing in equity. Leave out all statutory references even though that example that we send around came out of Colorado forms and it refers to a Colorado statutory representation that does put it in equity but it isn't necessary to quote any statutory reference in order to open the court of equity which is the Article 3 courts

(unless you're a teacher or government worker or have contracted with the government with full disclosure, etc whereby you're not private anymore and you're resident within the government.)

You got to be party to government to enjoy government's benefits, privileges and opportunities.

The executive branch of government is only enforcing the legislation for the benefit of protecting the government and not necessarily doing what they're supposed to do to protect us. The one that is the most guilty of not following the law is the judges. It comes from the canon of ethics for judicial conduct. Canon #2, very important, the canon says: a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. Subsection A, Promoting Public Confidence. You know anybody who's competent in the courts? I don't. Nobody believes the courts are honest, correct and truthful and fair—not even most of the lawyers.

'This defendant states that he is without knowledge sufficient to form a belief as to the correctness of the statement of the claim of the plaintiffs and he neither admits nor denies the allegations concerning the claims of the plaintiffs but demands the plaintiffs strictly prove their claim.'

Failing to answer is devastating—it's a total loss. Failing to answer and back the answer up with an affidavit denying what they claim amounts to a total loss. A vague or ambiguous complaint is remedied by a request for a more definite statement. That will put things off for a little while until you get a decent statement. You must object to whatever they finally state by affidavit.

Now, another rule that I found to be interesting Rule 11. Rule 11, it's called signing of pleadings but it's got a very

interesting statement in it that I think clarifies something I bought up a week or two ago and that is I have been finding that lawyers are not making a notice of appearance and putting it in the docket record of the case and I thought sure they were supposed to because I read parts of the dictionary definition to you about the appearance of an attorney and the duty of the court recorder to put it in the docket. The docket is the list of actions that are done within a court action. The complaint itself, the answer to the complaint, the motion to dismiss, all those different functions that go on within a complaint, notices that are written into it, they're all docketed in this sheet called the docking sheet or a docket sheet depending upon what court and what name they have for it.

We need to object every time an attorney goes into court and the docket sheet shows that they have not entered their appearance on the docket sheet with an official entry that everything that they're doing is a sham pleading and that they should be sanctioned for this or at least ordered by the court to put the notice into the record that they are the attorney for the attorney for the party before they proceed any further. That will stop the proceeding for that day.

The reason why lawyers don't write affidavits is because the lawyer can't. They don't have first-hand knowledge. They cannot testify because they weren't there.

Sometimes they'll get an affidavit signed by somebody they call a robo signer, somebody who signs hundreds and hundreds of these affidavits for the benefits of the lawyers that they're not the real party in interest. They're not real either and that can be proven. All you have to do is object to that affidavit because you have no proof from this party that they actually work for such-and-such a bank or such-and-such a government agency or whatever. You have no proof given within the affidavit and you have no proof that this individual was there at the time of the incident or the transaction and really does have first-hand knowledge because they didn't express that in the affidavit—and they don't. And that's how you object to their affidavits and that proves that they're just a robo-signer, they're not the real party.

They'll always say that we need the information from you. The burden of proof is upon the complaining party, not upon the defendant. That, again, is a violation of due process.

You didn't give me enough knowledge or information about

How can there possibly be a credit card when the law forbids the banks to lend credit?

Don't give them the facts that they want. Don't give them the answers to creates facts or even the appearance of facts that they want. The burden of evidence according to the law is upon the complaining party, not upon the defendant.

Their own paperwork is your evidence to prove their dishonest act, have a copy of the statute, for instance, that shows what they were supposed to do which they didn't do or a copy of the rule that shows what they were supposed to do that they didn't

But the fact is, an affidavit has to state that I have personal knowledge because I was there and I saw it take place. I am familiar with the transaction—I experienced it. I was there and saw the incident. What ever we are saying, it has to be truthful that we were there and we saw it happen. We know the facts, not to the best of my knowledge and belief because that indicates that I wasn't there {hearsay?} which means that it is a phony affidavit and it can't be used as evidence.

The state of some name is the government. We have been so misled into thinking that we live in the state of something but when in fact the only time you're in the state of something is when you're employed as an officer or an employee of the state government or any of its political subdivisions.

Look it up in the state's laws. Every state has laws on the procedure of how they're supposed to do things, even the rules of filing a complaint. They can be found and those rules require things that are commonly left out of complaints.

The whole basis of appeal is based on whether or not due process was met and whether the judge erred in the due process.

Resident means located at, an agent of or associated with the state government when you admit to being a resident of the state. When they make a claim that you're a resident of the state you can rebut that claim by an affidavit stating that you are not a resident of the state.

You are not employed by the government and if they want to claim that you are all they have to do is come up with payroll records to prove it.

Caution: The Department of Education is an agency of the State.

What land is in the State of Blank? Certainly not your private land that you bought—the land that the state bought to build state office buildings or state agencies would be in the State of Blank, not your private land. That law does not apply to private land and it cannot. The law is not allowed by the constitutional mandates to extend any of its law and its activities of taxation and regulation to private property. So it cannot extend to your

private land and cannot require your private land to be recorded. But some lawyer told you it had to be because he lies and you didn't question it, you let it happen and it's recorded.

If you want to get out of the private property tax or the property tax on private property—I should have said that more correctly—you have to get that deed back out of their records, out of their recording to that land. The same thing applies to birth certificates. The only thing that the law related to births can apply to its corporations. It cannot apply to a natural child birth of people because the government is a corporation and

the only thing a corporation can do is deal with other corporations and it can even extend the authority of operating as a corporation to individuals who request such an authority from the state. And on the date that that requested corporation is authorized that corporation is born and that birth has to be recorded in the state's records as a corporation. A natural child

from natural people does not fall under that statute. The wording does not cover people and any lawyer that will tell you that it does is lying to you.

Christian Walters (trusts) is on Mondays, Tuesdays and Saturdays at nine o'clock, Eastern Time. The number is 1-712-432-0075 and the pin

is 149939# (9 pm EST). Wednesday's number is 1-724-444-7444 and the pin is 41875# (8 pm, Eastern) or tune in on Wednesday at Talkshoe.com at http://www.talkshoe.com/talkshoe/web/talkCast.jsp?

masterId=41875&cmd=tc

Often you can find a transcript or a partial one for the week's call at the following website:

http://groups.yahoo.com/group/peoplelookingforthetruthhttps://groups.yahoo.com/group/peoplelookingforthetruthhttps://groups.yahoo.com/group/peoplelookingforthetruthhttps://groups.yahoo.com/group/peoplelookingforthetruthhttps://groups.yahoo.com/groups.yahoo.com/group/peoplelookingforthetruth<a href="https://groups.yahoo.com/groups.yah

Note: questions to Howard are now submitted to Howard, preferably typed, to Gemini Research rather than fielded on the call live. It would be desirable to send a couple of bucks for mailing, copying and printing costs.

Extra legal help is available from the firm, Ketchum, Dewey, Cheatham and Howe.

For reference:

Jersey City v. Hague, 115 Atlantic Reporter 2nd, page 8 (A 2nd)

Project for all:

Howard needs information on how to write a complaint for breach of the trust.

Hit the libraries! He would appreciate any research help.

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[Howard] I think we went over something last week, even my memory fails me about some of this stuff. I think we talked about discharge of liabilities out of Section 3-601 of the so-called Uniform Commercial Code which is nothing more than the negotiable instrument laws just codified in a different manner but basically repeated with minor alterations and we talked about how discharge of

a debt, which by the way, means according to the law dictionary definition of discharge it means to relinquish it, to expunge it, to dispose completely of it, to ignore it, to set it aside, to unbind a person or unbound a person from the debt. So discharge means to get rid of it and there's several ways under 3-601 that that can be done. But 3-601 has part one and part two which we've already discussed. Tonight I want to discuss part 3. This may be the most important one and the one that people like Dallas Debt Discussion should be looking into the possibility of how to use this in the courts. This is probably the easiest one of all remedies that are available under their own laws. Subsection 3 of 3-601 says the liability of all parties is discharged when any part who has himself no right of action or recourse on the instrument. You have no right or recourse on anything in this damned system today. But it's not hard to prove. There's even case law that can be dug up that shows that the liability exists. As a matter of fact the Delaware courts here have determined that if they have any paper claiming that you owe a debt that that is sufficient to prove your liability. No argument can be presented. Boy, does that show you that you don't have any recourse on the instrument, doesn't it? Well, that's just Delaware. All the other states have done basically the same thing. You have no right of action or recourse on a debt instrument of any kind. That includes such simple little stupid things as traffic tickets, credit card claims, mortgage claims, you have no right of recourse. So, being you have no right of recourse you have to understand a little bit about what the law says about that. And what it says is, the discharge of any party is a defense available to that party as provided in sections on the right of those who are or are not holders-in-duecourse. See Section 3-305 and 3-306. He has the burden of establishing the defense. See Section 3-307. Subsection 3 substitutes for the discharge of an instrument and the discharge of all parties from liability on their contract on the instrument. It covers a part of the substance of the original sections 119, 1, 2,, & 5 and the original section of 120. Now, this is the old **negotiable** instrument law sections that they're quoting here, section 120 and subsection 1 & 3 of that and the original section 121, subsections 1 & 2. And it states in general principle in lieu of the original detailed provisions the principle is that all parties to an instrument are discharged when no party is left with rights against any other party on the paper. That certainly fits, doesn't it? If anybody who is trying to fight any part of this debt collection crap by government by lawyers, I should say, because really these people are not government. This government is sitting in a drawer somewhere. We don't have the government anymore. What we have is a bunch of scum bag lawyers who are parading themselves in one fashion or another as the president, the governor, the legislative body of a state or legislative body of the United States. They're mostly all lawyers and, of course judges and

the lawyers in the court. So, pretty much it's all lawyers parading themselves as though they're a government—they are the government and claiming that they operate under the Constitution when it's convenient for them to use that, some part of the Constitution, and ignoring the other parts of the Constitution when it's not convenient for them to apply it. So, who cares? If they have given us in some twisted manner, and that I would say that this is a very twisted manner, a discharge of any liability of the debt for any purpose such as the lack of any rights in us to contest the claim against us. That's where right of recourse comes in, a right to contest. We can't contest it. Nothing we say or do is going to be paid much attention to. The debts can be beaten right there in the courtroom and then I whole heartedly agree with any manner that anybody wants to teach of suing these scum bags, attorneys particularly, any of them, the debt collection agencies and the courts because they're nothing but debt collectors and they come right under all these stupid laws too and they ought to be sued for the debt collection crap that they're pulling on the people to extort money from them. It all falls under these sections of discharge of the liability on an instrument under 3-601, on through 602, 3, 4, 5, 6, 7 and I think Section, don't know if it's 7 or 8 it ends with, but whatever. Most of it is 3-601, 2, 3, & 4 of that part of the code. The principle is that all parties to an instrument, any kind of a debt instrument is what they're talking about, are discharged when no party is left rights against any other party on the paper. When any party re-acquires the instrument in his own right his own liability is discharged. Well, we've been talking about that for years. It's reacquired by terminating the original registration, original agreement, that you made with the bank. And terminate mostly we're not as concerned with the bank and those kinds of things as other people are. Let some of these other people worry about that. We've been terminating these liabilities, they're established by registering property with the government and that's exactly what this is talking about here. When any part re-acquires the instrument on his own rights, his own liability is discharged and any intervening party to whom he was liable is also discharged as provided in Section 3-208 on re-acquisition when he is left with no right of action against an intervening party and no right of recourse against the prior party. All parties are obviously discharged. The instrument itself is not necessarily extinct since—now, listen to this, this is exactly the thing that we've been talking about that none of this stuff really ever goes away because they just keep reusing it and reusing it. Listen to this carefully. The instrument itself is not necessarily extinct since it may be re-issued or re-negotiated with new and further liability and if it subsequently reaches the hands of a holder-in-due-course without such notice of discharge he may still enforce it as provided in Section 3-602 on the effect of discharge against a holder-in-due-course. It's

out there to be reused and reused and anything that we have signed and gotten ourselves involved in is out there for this kind of ridiculous continued use. So, the best thing to do is to re-acquire the instrument. One way to start doing it is to show that it discharged and then once we proved that it's been discharged under one of these different sections that we've just talked about last week or this week then move to re-acquire the instrument so that it cannot be reissued then you discharged all liability of your own on it. Well, nobody's doing that. None of this debt collection stuff goes that far. This stuff can be reinstituted, re-issued and re-instituted and brought back against anybody at any future date. And we've seen it happen. We've seen discharges of things. A check sent to pay a traffic ticket in 1963, that many years ago, back in 1997 was not sufficient according to some stupid state cop in Maryland. Now you talk about stupid. There's a lot of stupidity in this world. Maryland state police have to be the lowest level of intelligence that I think they can ever find to hire like this little idiot state cop. Didn't care that there was proof that it had been paid. His computer printout piece of crap paper said that it hadn't been paid and he arrested the guy and confiscated his truck and trailer because the computer said there is no intelligence in this stupid ass world today. If the computer says, it's just got to be. It's absolutely amazing what this computer has done to our society. It has totally destroyed every nation in the whole planet and it's destroying business one after another. It's doing a great job of bringing this whole thing down but we can help it. We can help it even more by learning these little specific details about things like the Uniform Commercial Code section on discharge of liability. I talked about part of it last week. I'm talking about another part of it this week. It is very important anybody who is out there listening who has the initiative to do a little bit of work and along these lines particularly with debt collection on mortgages because right now that seems to be a major problem. I recently released in the news, this morning I think it was if my memory serves me correctly. The release was that the repossession of people's homes are on the increase and they, I think, this past month was a 19 % increase in bank repossessions of people's homes and some moron who think they understand economics said. 'this is a good thing because there's a growing demand to buy houses and this will put more houses out on the market for sale.' This is not a good thing, not for the people, not for America. But I'll tell you why they economically think this is a good thing because when they resell it they will resell it for a higher price then it sold for the last time because of inflation. This will list it at higher tax category making more money for the state or the city or the country or whatever. It will make more of a principle upon which the interest will be charged on a new loan out of the bank if and when the banks make any loans on any of these homes. There are still homes sitting around here that have

been sitting around for five, six, and as much as seven years. Some of them were just built seven years ago, eight years ago and didn't sell and they're still sitting empty. There are repossessed homes sitting around all over the place that haven't sold but as they're pushing this and trying to get people into homes again under mortgages they've got the interest rate down as low as they can possibly get it to excite this and this is causing more inflationary activity which is bringing down the value of the dollar which is going to crash this whole stupid system very shortly. If Congress and the rest of the idiots in government with their exposures of their wrong doings don't crash it before the money comes to that point and crashes it. With the stuff that's coming out of that government and who's behind what doing what behind closed doors to whom it's absolutely amazing that it hasn't already totally shut down, absolutely amazing that it hasn't. But I'd be more than willing to help it to shut down. Of course I'm sure that'll make some stupid people very angry because of , 'oh, my God, what am I doing to do without a government?' Well, those cry babies will just have to cry until they run out of water to cry and dehydrate from crying so much and pass away. We won't miss them. Anyway, there is remedy. It can be enforced right out of their own laws. We've just got to learn where they are and how to enforce them. The information I'm reading right now comes from *Anderson on the* Uniform Commercial Code, section 3-601. I started it last week. I'm wrapping up some of it this week. I'm probably going to talk about some of this again next because there's more to this. I'm only covering a couple of pages each time here in these discussions because too much at once just can't be swallowed anyhow even by me much less the people out here with less background in these kinds of things than what I have. They can't swallow guite as much as I can and I can't swallow too much of this stuff at once so I realize that and I keep it small and short and on point. The entire section here involves eighteen different subsections just by Anderson explaining a lot of the details of the different sections that I've been talking about. So we'll go over this a little bit more as I get into it a little deeper myself to determine which ones are important to bring out and expose. But I just exposed to you the important stuff that whenever they have an agreement that supercedes a wrongful agreement then that cancels the liability and discharges the debt and whenever there is no recourse by a party against the instrument and the claim of the debt that's on the instrument that discharges all parties. They're the two main functions of the section of the Uniform Commercial Code and this is what controls the law and the debt collection and actually controls the court rules. All court rules are patterned in accordance with this Uniform Commercial Code. According to the *Erie Railroad* decision it is the quidelines ruling the functions of the courts from 1938 on to this date and beyond this date and it will keep on going

until somebody burns the damned courts down which I wouldn't be a bit surprised to see happen very, very shortly. Anybody that works in these courts, you're in a very dangerous position. As the people are seeing stuff and this stuff is being exposed more and more anger is developing and I'm telling you being inside of any part of government is going to be a dangerous place for any of you to be.